

# Responsible buying in public services



A guide for UNISON  
branches working to  
eradicate abuses in global  
supply chains



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### What this guide is for

This guide is designed to help UNISON members and branches engage with employers on ethical procurement. It will help to ensure workers' rights are respected, and child, forced and slave labour are eradicated in the global supply chains that provide goods for use in public services in the UK.

The guide was produced by UNISON international unit.

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## About this guide

As public services increasingly use goods produced in 'global supply chains', this guide offers some guidance on how you as a UNISON branch activist can engage with your employer in developing ethical policies and statements on how these goods are procured. It is not a definitive guide, and will be subject to future changes and updates. You are encouraged to use the document if you are new to the issue of ethical procurement or if your employer does not have a policy.

If you work in procurement or if your employer has already produced a policy or code for suppliers, UNISON would like to hear from you. We are especially interested in how the employer implements their ethical procurement policy, how the policy is monitored and what steps are in place to remedy any abuses that are identified.

We welcome input and suggestions for making this document as relevant and usable for our members to help them understand the role of procurement in ensuring decent work in supply chains, and in eliminating abuses and violations of workers' rights throughout the global supply chain.

The guide will be available on the procurement hub<sup>1</sup> of the UNISON website and as a hardcopy publication from the UNISON catalogue.

You can email **[I.Relations@unison.co.uk](mailto:I.Relations@unison.co.uk)** if you wish to get involved.

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## Introduction

In 2006, UNISON produced a briefing on ethical procurement in local government<sup>2</sup> to assist activists who wished to work with employers on ethical policies to ensure that goods used in local government were ethically sourced. In the intervening decade everything, and nothing, has changed! In 2013, the collapse of a building in Bangladesh, housing several garment factories, caused the deaths of more than 1,130 workers, most of whom were young women. Subsequent industrial disasters made buyers and consumers more aware of the need to protect workers in the supply chain. In 2011, the United Nations produced a set of principles for states to ensure human rights were at the heart of business practices. After the collapse of Rana Plaza, implementing the UN 'Guiding Principles' became a more pressing issue as work became more precarious, and workers' rights violations increased. The UK government produced a National Action Plan setting out how it would implement the UNGP to ensure that businesses took their human rights responsibilities seriously.

Whilst work became more hazardous and workers' rights continued to be eroded, slavery reared its head again. Despite slavery having been 'abolished' in the 19<sup>th</sup> century, it still persists, and is now on the rise. Between 13,000 and 15,000 (some say the figure could be as high as 20,000) people are thought to be slaves in the UK: the global figure is almost 21 million according to the ILO. In response to the growth of slavery, the United Kingdom introduced the Modern Slavery Act in 2015 in a bid to ensure that businesses took responsibility for their supply chains to ensure there was no slave, forced or child labour involved in the production of goods destined for the UK.

Unfortunately, despite legislation and guidance on implementing human rights in business, there are glaring loopholes. The Modern Slavery Act only applies to commercial organisations; therefore, public bodies are not covered by its 'transparency in supply chains' clause. The clause requires businesses to produce a 'slavery statement' but does not impose sanctions if no definitive action is taken. Indeed the statement could only be one sentence for the business to comply with the Act.

As part of its strategy to tackle abuses in supply chains the government revised its National Action Plan on implementing the UNGP, but it is not being widely implemented, and seems to no longer be a priority for government. In addition, government departments and other public bodies are not covered by the Plan despite having procurement budgets valued at billions of pounds. Also, procurement legislation and regulations make it difficult for local authorities and other public bodies to fully consider, let alone implement, ethical dimensions in purchasing despite the inclusion of 'social considerations'.

Despite this, there is a mood change and there are lots of examples of good practice out there. A number of local authorities have developed exemplary ethical policies which could be used as model policies for other local authorities.

At government level, the Welsh Assembly is leading the way. It has produced a Code of Practice for public bodies to ensure they adopt an ethical approach to public buying.

Private companies delivering public services are covered by the UNGP and the Modern Slavery Act (as are higher education institutions) but Wales has shown that a more ethical approach to procurement can be championed at government level and implemented across the whole of public services.

UNISON is taking the lead by producing its own ethical procurement policy and has become the first trade union in the UK to submit a Transparency in Supply Chains (TISC) statement under the provisions of the Modern Slavery Act. On this foundation, UNISON is encouraging its members across the UK to work with their own employers to ensure all goods used in public services are not tainted by abuse of workers in the global supply chain.



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## Ethical procurement in public services

Ethical procurement is *‘the assumption of responsibility of a company for the labour and human rights practices in its supply chain.’*<sup>3</sup>

### Ethical procurement and the global supply chain

Procurement of goods and services in delivering public services in the UK is valued at billions of pounds which gives the purchaser a certain amount of leverage when negotiating with suppliers. The goods bought can cover a range of products including computers and other high-tech hardware; food and beverages served in canteens, hospitals, schools and care homes; stationery; furniture, uniforms; protective clothing; shoes; hospital equipment: the list of goods is extensive.

Ethical procurement places a responsibility on buyers to ensure that workers at any of the stages of production of the goods bought do not suffer abuses at work.

All stages of production from ‘seed to table’ are linked to form a ‘global supply chain’. Supply chains can be very complex as companies can use suppliers and sub-contractors anywhere in the world who in turn may use their own suppliers especially when products have multiple components. Despite the complexity and fragmentation of the global supply chain, organisations have a responsibility to ensure that they have taken practicable steps to ensure that no abuses occur anywhere along the chain. Every organisation should ensure that their suppliers are accountable for their workers’ welfare, and those suppliers in turn must ensure their own suppliers further down the chain also take responsibility for ensuring no abuses take place in the processing or manufacturing of goods.

If abusive practices are found, they must be remedied. A number of organisations including Electronics Watch and the Worker Rights Consortium monitor supply chains on behalf of buying organisations to identify and help remedy violation of workers’ rights. Ultimately, the responsibility lies with government to ensure that private and public bodies take responsibility for workers in supply chains.

### Protecting workers in supply chains

There are various international and national laws, codes and regulations that seek to protect workers throughout the supply chain from, for example, the planting and growing of cotton right through all the manufacturing stages of the fabric to the finished garments which may then be transported to the UK for use in public services.

The International Labour Organisation (ILO), an agency of the United Nations (UN), has produced a number of legal instruments designed to protect workers<sup>4</sup>. UN member states are encouraged to ratify these legal instruments which are called conventions. There are 8 ‘core conventions’ that include the right to freedom of association and the right to collective bargaining. Other core conventions cover issues such

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3. [www.ethicaltrade.org](http://www.ethicaltrade.org)

4. [www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm](http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm)

as child labour, forced labour and equal pay. Even if a country does not ratify a core convention, if it is a member of the UN, it must show how it is meeting the requirements of the core conventions.

The UN has also produced a set of principles for countries and businesses on their human rights responsibilities. The UN Guiding Principles (UNGP)<sup>5</sup>, endorsed by the UN Human Rights Council in 2011, are based on three pillars: 'protect, respect, remedy' in order to prevent and correct human rights abuses committed in business operations. The UNGP places a duty on the state to protect workers' rights through legislation and for companies to respect these rights. The UNGP are based on the ILO core conventions (or core labour standards), the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, all of which are international legal instruments. These legal instruments not only seek to eradicate the worst abuses in the world of work such as slavery and child labour; they also recognise the right to join a union and to bargain collectively as fundamental human rights.

The Organisation for Economic Cooperation and Development (OECD) has also produced guidance that sets out the expectations of governments on responsible business conduct. The Trade Union Advisory Committee to the OECD (TUAC) has issued a guide for trade unions on the OECD Guidelines.<sup>6</sup>

In the UK, the Modern Slavery Act seeks to address the growing problem of forced labour and human trafficking. The Act places a legal responsibility on companies to ensure there is no slavery or forced labour in their supply chain. The Act currently only applies to 'commercial organisations' (which includes universities) but there is a campaign within parliament for the Act to be extended to include public bodies, and to prevent companies who did not produce statements from bidding for public contracts.<sup>7</sup>

There is also a UK organisation, the Ethical Trading Initiative (ETI)<sup>8</sup>, whose tri-partite membership comprises corporations (some of whom are multinational enterprises – MNEs), trade unions and non-governmental organisations (NGOs). The ETI works to eliminate all forms of abuse in the global supply chain. Companies sign up to the ETI Base Code, which is based on the ILO core conventions. By signing up to the Base Code, they undertake to ensure all their suppliers abide by the principles of the Code. Currently, the Code does not apply to corporate members' own staff in the UK but there are talks to have this extended to include directly-employed staff as well as suppliers' employees.

### Government guidance on ethical public procurement

The UK government has issued guidance on public sector procurement<sup>9</sup> which sets out the legal framework for procurement. It has also produced a National Action Plan<sup>10</sup> to implement the UNGP in the

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5. [www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR\\_EN.pdf](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf)

6. <http://tuacoecdmguidelines.org/Docs/TradeUnionGuide.pdf>

7. At the time of writing in March 2017, the Act had not yet been extended to include public bodies.

8. [www.ethicaltrade.org](http://www.ethicaltrade.org)

9. [www.gov.uk/guidance/public-sector-procurement-policy#introduction](http://www.gov.uk/guidance/public-sector-procurement-policy#introduction)

10. [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522805/](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522805/)



private sector, recognising that it is the state's duty to protect human rights. It does not extend the UNGP to public sector procurement. Despite this, a number of government departments have issued codes for suppliers. The Department for the Environment, Food and Rural Affairs (DEFRA)<sup>11</sup> and the Department for International Development (DFID) produced procurement statements which require suppliers to demonstrate a "commitment to ethical codes of conduct, for example through membership/signatory of codes, both directly and within the supply chain, e.g. conventions, standards or certification bodies (such as ETI, UNGC, Global Reporting Initiative and Extractive Industries Transparency Initiative)."<sup>12</sup> How these are monitored is unclear.

Crown Commercial Services which has overall responsibility for 'public sector' procurement has produced a Public Procurement Policy setting out the responsibilities for public procurement.<sup>13</sup> The CCS guidance in the Public Contract Regulations specifically states that "Fair trade requirements related to the contract subject matter may be included as a contract award criterion, including the requirement to pay a minimum price and price premium to producers"<sup>14</sup> This falls well short of the government's commitment to implement the UNGP across all procurement, and does not address workers' rights in the global supply chain.

Cymru/Wales is leading the way on seeking to embed human rights in public procurement. It has produced a code of practice for the public sector on ethical employment in supply chains.<sup>15</sup> The code places a responsibility on public organisations (and not just private companies) to take "action to eradicate unlawful and unethical employment practices and to ensure all workers at every stage of the supply chain are treated fairly." It is important to emphasise that the Welsh Assembly recognises the responsibility throughout the supply chain and not just for in-house and contracted staff (important as that is).

Scotland has drawn up a plan specific to Scotland, the Scottish National Action Plan (SNAP) for Human Rights.<sup>16</sup>

Despite the UK government's disjointed approach to ethical procurement, there appears to be a growing awareness of the need to include human rights considerations, including workers' rights, into codes for suppliers hoping to get public contracts. This should be seen as an opening for public bodies and private companies providing public services to implement ethical procurement policies that recognise the need to ensure human rights are protected throughout the supply chain.

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*Good\_Business\_Implementing\_the\_UN\_Guiding\_Principles\_on\_Business\_and\_Human\_Rights\_updated\_May\_2016.pdf*

11. [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/69421/ethical-procurement-policy-statement.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/69421/ethical-procurement-policy-statement.pdf)

12. [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/504844/Statement-priorities-Expectations-March2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/504844/Statement-priorities-Expectations-March2016.pdf)

13. [www.gov.uk/guidance/public-sector-procurement-policy?\\_cdosy1\\_=zatek5Ofgl5D8g8rWTMC-zyzepNknq0b62d9BRM-Rh9Z3AbMHrtiq4kTOpKiKCuebkORq-nG0ijhZXfM7L7M6E5ithUpL5itUExUDVrOKJiCMPW5mUFyJ7RKR2Q\\_p\\_4#introduction](http://www.gov.uk/guidance/public-sector-procurement-policy?_cdosy1_=zatek5Ofgl5D8g8rWTMC-zyzepNknq0b62d9BRM-Rh9Z3AbMHrtiq4kTOpKiKCuebkORq-nG0ijhZXfM7L7M6E5ithUpL5itUExUDVrOKJiCMPW5mUFyJ7RKR2Q_p_4#introduction)

14. [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/558032/20160912socialenvironmentalguidancefinal.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/558032/20160912socialenvironmentalguidancefinal.pdf)

15. <http://gov.wales/docs/dpsp/publications/valuewales/170309-ethical-en.pdf>

16. [www.snaprights.info](http://www.snaprights.info)

A number of local authorities and universities have adopted the ETI Base Code in developing their policies on responsible or ethical procurement. A number of universities have also published statements under the Modern Slavery Act (a legal requirement as higher education institutions are considered 'commercial' entities under the Act).

### The role of consumers

Consumers are becoming more aware of the abuses that take place in supply chains. We don't want slaves or children to pick the cotton that is used to make the t-shirt we wear; we don't want animals to suffer cruelty so that our deodorant or moisturiser doesn't irritate our skin; we don't want furniture to be made out of unsustainable wood; we don't want to buy products that harm the environment. Companies run reputational risk when abuses are identified in their supply chains. This was very evident following the collapse of Rana Plaza in Bangladesh. Companies responded by requesting factories to comply with internationally-recognised guidance on safety. Consumers who do not want to buy unethically keep up the pressure on retailers to ensure they take human rights considerations seriously.

This ethical approach can be taken into the workplace. Some employers have already developed strategies to ensure a more ethical approach to purchasing, and are producing policies and statements which show that they are being responsible buyers. A number of employers have produced codes on animal welfare, sustainability, environmental impact, slavery and child labour. The step to ensure this ethical approach also applies to the welfare of workers producing the goods we use is a small step to make. Trade unionists as consumers can play their part both by making personal choices about where we shop but also taking that ethos into the workplace to ensure that the goods used at work are sourced responsibly.

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## The Modern Slavery Act

In 2015 the Modern Slavery Act became law in the UK. The Act is designed to tackle the growing problem of modern slavery. According to the International Labour Organisation (ILO) around 21 million men, women and children around the world are in some form of slavery. In Britain estimates range from 13,000<sup>17</sup> to as many as 20,000<sup>18</sup>, including children, who are victims of slavery.

The characteristics of slavery are if someone experiences one of the following:

- forced to work - through mental or physical threat;
- owned or controlled by an 'employer', usually through mental or physical abuse or the threat of abuse;
- dehumanised, treated as a commodity or bought and sold as 'property';
- physically constrained or has restrictions placed on his/her freedom of movement.

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17. [www.gov.uk/government/news/true-scale-of-modern-slavery-in-uk-revealed-as-strategy-to-tackle-it-published](http://www.gov.uk/government/news/true-scale-of-modern-slavery-in-uk-revealed-as-strategy-to-tackle-it-published)

18. [www.humantraffickingfoundation.org](http://www.humantraffickingfoundation.org)

Section 54 of the Act is the 'transparency in supply chains' clause. It requires commercial organisations carrying out business in the UK with an annual turnover of at least £36 million to publish an annual statement. The statement has to set out the "steps taken during the financial year to ensure that slavery and human trafficking are not taking place in any of the company's supply chains or in any part of its own business, or a statement that it is taking no such steps". For large organisations to issue a statement saying it is 'taking no such steps' would probably have an adverse affect on its reputation, therefore, the assumption is that large commercial organisations will issue statements which at least state that the organisation is 'trying' to comply.

Section 54 of the Act does not extend to public bodies (although it does extend to 'commercial' organisations providing public services, such as universities) but there are campaigns (including a private members' bill which fell after only one hearing in the Commons) for this clause to be extended to public bodies, and for companies who refuse to produce modern slavery statements to be banned from bidding for public contracts.

UNISON has issued its own modern slavery statement and code of conduct for suppliers to demonstrate its commitment to ending modern slavery, and to encourage members to engage on the issue in their own workplaces. UNISON is the first trade union in the UK to produce a modern slavery statement<sup>19</sup>.

Personnel Today have produced guidance<sup>20</sup> for employers on writing a modern slavery statement. The guidance could be used to encourage employers to get involved.

Anti-Slavery International has been at the forefront of the campaign for the Modern Slavery Act to become law. UNISON is affiliated to Anti-Slavery International and recognises that if slavery is to be eradicated, workers must have a voice through representation by independent trade unions.

Branches can affiliate<sup>21</sup> to Anti-Slavery International and support their campaigns tackling slavery and extending the Modern Slavery Act to public bodies.

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## The Ethical Trading Initiative

The Ethical Trading Initiative (ETI)<sup>22</sup> is a key UK organisation which brings together companies, trade unions and voluntary organisations to work in partnership to improve the conditions of poor and vulnerable workers across the world. The ETI estimates that each year their work touches the lives of 9.8 million workers, who work either growing or producing consumer goods such as clothing, footwear and flowers. Companies sign up to a labour code which they expect all their suppliers to work towards.

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19. [www.unison.org.uk/about/governance/our-statement-on-modern-slavery/](http://www.unison.org.uk/about/governance/our-statement-on-modern-slavery/)

20. [www.personneltoday.com/hr/writing-a-modern-slavery-statement-guide-for-employers](http://www.personneltoday.com/hr/writing-a-modern-slavery-statement-guide-for-employers)

21. [www.antislavery.org/take-action/trade-unions](http://www.antislavery.org/take-action/trade-unions)

22. [www.ethicaltrade.org](http://www.ethicaltrade.org)

The ETI Base Code<sup>23</sup>, which is based on the International Labour Organisation (ILO) core labour conventions<sup>24</sup>, stipulates the following key principles:

1. Employment is freely chosen
2. Freedom of association and the right to collective bargaining are respected
3. Working conditions are safe and hygienic
4. Child labour shall not be used
5. Living wages are paid
6. Working hours are not excessive
7. No discrimination is practised
8. Regular employment is provided
9. No harsh or inhumane treatment is allowed

A number of multi-national companies are members of ETI as part of their corporate social responsibility programmes and a sign of the importance many western consumers place on the principles of ethical trade. Exposure of the working conditions in factories producing clothes for UK high street names in the past decade have influenced consumer spending habits, pushing companies into taking greater interest in the conditions within their complex supply chains. The collapse of Rana Plaza in Bangladesh in 2013 was the highest profile case exposing the appalling working conditions in the burgeoning garment industry in Bangladesh which was valued at \$28bn in 2015-2016<sup>25</sup>. The economies of low-income countries depend heavily on these new industries, often at the expense of the workers at the bottom of the chain. Initiatives such as the ETI seek to improve workers' conditions in the supply chain through adherence to the Base Code by companies sourcing from countries such as Bangladesh, Mexico and Cambodia.

The ETI does not require companies to be 'perfect' to sign up but it does require commitment to work towards improving conditions, regular audits and meaningful action where unethical practices are uncovered. The ETI is a tripartite body with membership from business, trade unions and NGOs. The ETI approach focuses on support and education to enable suppliers to improve their practices.

Corporate members produce their own statements and reports. Some critics say companies monitoring themselves do not help eradicate abuses, and also that the ETI merely provides companies with a veneer of respectability as part of their 'commitment' to corporate social responsibility (CSR). Also, as stated previously, corporate members in the UK do not have to apply the Base Code to their directly-employed or contracted staff. UNISON will continue to press for the Base Code to apply to all workers including a corporate member's own staff.

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23. [www.ethicaltrade.org/eti-base-code](http://www.ethicaltrade.org/eti-base-code)

24. [www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm](http://www.ilo.org/global/standards/introduction-to-international-labour-standards/conventions-and-recommendations/lang--en/index.htm)

25. [www.yarnsandfibers.com/news/news-tags/bangladesh-garment-manufacturers-and-exporters-association](http://www.yarnsandfibers.com/news/news-tags/bangladesh-garment-manufacturers-and-exporters-association)

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## Fairtrade

Fairtrade covers a range of initiatives that seek to make global trade fair by linking consumers and producers and guaranteeing certain standards of trading. The Fairtrade mark is awarded to products certified by Fairtrade International<sup>26</sup> and is the most common fairtrade certification system used in the UK. Its purpose is to get a better deal for disadvantaged farmers and workers in developing countries. The Fairtrade standards are agreed through a process of research and consultation with key participants in the fairtrade scheme, including producers themselves, traders, NGOs, academic institutions and national fairtrade organisations, such as the Fairtrade Foundation<sup>27</sup>. The standards include a guaranteed price that covers the costs of sustainable production and also the payment of a social premium invested by workers and farmers in the workplace and local community. This certification does not involve trade unions or assess fairtrade practices in the rest of the supply chain.

Nevertheless, the Fairtrade mark is very well known and popular with both the public and companies. If your employer has already made a commitment to buying Fairtrade products, this may mean they are more receptive to the wider principles of ethical procurement that covers all workers at every stage of the supply chain.

In 2013, Scotland became a Fairtrade country. A number of local authorities in the UK are already Fairtrade towns and cities, including Leeds and Newcastle, both of which procure Fairtrade-certified goods such as tea, coffee and sugar for use in meetings and sale in staff canteens.

Newcastle's procurement strategy includes reference to Fairtrade considerations:

"Products from developing countries are often sold at prices that do not afford their producers a decent standard of living.

"Fairtrade aims to alleviate poverty and 'humanise' the trade process by making the producer-consumer chain as short as possible so that consumers become aware of the culture, identity and conditions in which producers live. Newcastle has been a 'Fairtrade City' since February 2003. We are committed to increasing the awareness of Fairtrade throughout Newcastle and (where appropriate) to explore the scope for procuring Fairtrade products'.

You can ask your employer to commit to:

- Supplying Fairtrade products in the workplace or at public events;
- Gaining Fairtrade status for the workplace, council or town (depending on where you work).

The branch should use the employer's Fairtrade status to stimulate a wider discussion on fairness in the rest of the supply chain that takes into consideration workers' rights, including the right to join a trade union and bargain collectively.

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26. [www.fairtrade.net](http://www.fairtrade.net)

27. [www.fairtrade.org.uk](http://www.fairtrade.org.uk)

As mentioned earlier, if an employer's ethical code includes ethical considerations for the environment or animal welfare, the employer should be asked to extend the code to include the welfare of workers whose fundamental rights need protecting.

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## Getting your branch involved

Ethical procurement seeks to create transparency and accountability in supply chains so that abuses of workers engaged in the growing, production, manufacturing and transportation of goods to be used in public services are exposed and, more importantly, remedied.

Branches can play their part by engaging with employers to develop an ethical procurement policy which can be part of the employer's overall procurement strategy.

The good news is that there is good practice out there with lots of employers' policies and codes available electronically so branch activists do not have to 'reinvent the wheel' (nor does the employer!).

If your branch has collective bargaining agreements with a variety of employers, it may provide an opportunity for the branch to ask each employer for a copy of its procurement policy. If there is a policy that includes a commitment to ensure that suppliers abide by an ethical code, the branch should ask how this is monitored, and if the employer is affiliated to an independent monitoring body such as Electronics Watch or the Worker Rights Consortium.

Some employers have produced codes that include a commitment to use furniture and timber from sustainable sources or to ensure that food is 'cruelty free'. It may be worth negotiating with employers to ask that these ethical commitments covering forests, the environment and animals are extended to ensure that workers' rights in the supply chain are also taken into consideration.

If there is no reference to ethical procurement in your employer's procurement policy, collect some good examples of policies, and use them to encourage your employer to engage on the issue. There are a number of them referred to in this guidance with links also provided.

If your employer is a Fairtrade buyer or has Fairtrade status from the Fairtrade Foundation, use this as a stepping stone to encourage your employer to consider fairness at all stages of the supply chain.

### Actions for your branch

As public services are squeezed and members' jobs are under increasing threat, it is difficult at times to get support for what is perceived as an issue that is far removed from members' every-day lives. Most of UNISON's members care about other workers, and recognise that global supply chains are part of the 'race to the bottom' to deregulate work and lower wages. Solidarity has underpinned UNISON's international work since its foundation. An opportunity to help workers in the supply chain is a great way of showing solidarity with workers on the other side of the world.

Getting a motion to the branch, calling on it to support the principles of ethical procurement, can set the process in train. The motion just



needs to say:

That this branch believes that workers making the goods we use in our workplace, have the right to decent work and decent pay. This branch believes that no worker should have their rights violated. This branch further believes that the employer should ensure that no such violations occur anywhere in the supply chain, and calls on the branch to work with the employer on its procurement policy to ensure there are clauses contained therein that place a responsibility on all suppliers to adhere to international laws protecting the rights of workers in supply chains.

The branch further believes that ethical codes and policies must be monitored if they are to be effective, and wishes to hear from the employer the steps it will take (or has taken) to identify and remedy any abuses that occur in the global supply chain of goods used in our workplace.

The branch may wish to then write to the CEO (or equivalent) asking for the organisation to champion ethical procurement. A model letter to the CEO or equivalent is at Appendix 1.

UNISON is affiliated to a number of NGOs working on supply chain issues. They are listed below (Appendix 2). Consider asking one to speak to a branch meeting or AGM.

UNISON produces a calendar<sup>28</sup> of internationally recognised days with suggestions for action in branches on specific days, and provides links to organisations working on specific issues and campaigns, including human rights, anti-slavery, workers' rights, fair trade issues.

The branch could mark any of the days such as World Day for Decent Work or International Workers' Memorial Day to raise the issue of workers' rights in supply chains. See Appendix 3 for some of the days and activities the branch could get involved in.

A checklist for branches on the steps to take can be found at Appendix 4.

## UNISON workplaces

The following sections look at some of the workplaces where UNISON organises. They include local government, the NHS, higher education and private companies. The suggested actions under each heading could equally apply to other areas where UNISON has members, including community, police and justice, and voluntary sectors.

### Local government

Procurement in local government could mean your council is part of a public purchasing consortium thereby creating an additional link in the supply chain. This should not be a reason for the council not to have its own procurement policy that has an ethical dimension included that places a duty on the consortium to include in any tenders.

A starting point is to ask your local authority if it is part of a procurement consortium or if it purchases independently. Ask if it has an ethical policy on procurement or if the consortium has one on its behalf. If it does not have a policy or code for suppliers, you could

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28. [www.unison.org.uk/content/uploads/2017/02/International-Calendar-2017.pdf](http://www.unison.org.uk/content/uploads/2017/02/International-Calendar-2017.pdf)

refer to policies and statements that already exist in local government across the UK. Manchester City Council (MCC) has produced a policy<sup>29</sup> setting out its responsibilities and its suppliers' responsibilities using the ETI Base Code as a benchmark (see box below).

If your local authority has outsourced procurement to a larger authority, it should still have a code to ensure that the larger procurer (which is now part of its supply chain) is committed to implementing an ethical procurement policy. It should also state how it will monitor the procurement contract.

### Manchester City Council

#### Ethical (Procurement) Policy - excerpt

The Council will proactively work to ensure that all goods, works and services it procures are sourced ethically in terms of both the way the Council procures and in terms of the standards that we expect our suppliers, service providers and contractors to meet. Within its obligations as a Best Value Authority, and in compliance with UK and underpinning EU legislation, the Council will conduct its procurement process in line with this Ethical Procurement Policy ("the Policy") which is based upon the principles of the Ethical Trading Initiative (ETI) Base Code, which were founded on the conventions of the International Labour Organisation (ILO) and is an internationally recognised code of labour practice.

MCC expects a commitment by the supplier, service provider and contractor to continuous improvement of the ethical performance of their supply chain.

In London, Transport for London (TfL) Commercial 'is responsible for the development and co-ordination of a corporate approach to the purchase of goods and services' on behalf of the Greater London Assembly (GLA).<sup>30</sup>

TfL's Ethical Sourcing Policy<sup>31</sup> is a model policy which could be replicated across other local authorities. TfL has also produced a statement on modern slavery which could be used if branches wish to engage their employers on developing an ethical approach to purchasing that includes the welfare of workers in the global supply chains as well as the welfare of animals and the environment which some authorities seem to have as their only concession to an ethical approach to procurement.

TfL and GLA could be asked for verification of audits that have been conducted to ensure that suppliers carry out independent audits. It is worth noting that prior to the collapse of Rana Plaza, companies sourcing from there, had conducted audits which failed to prevent the horrific events that followed. An independent audit might have identified the dangerous state of the building which could have helped to save so many lives.

29. [www.manchester.gov.uk/downloads/download/6446/ethical\\_procurement\\_policy](http://www.manchester.gov.uk/downloads/download/6446/ethical_procurement_policy)

30. [www.london.gov.uk/about-us/governance-and-spending/good-governance/our-procedures#Stub-34581](http://www.london.gov.uk/about-us/governance-and-spending/good-governance/our-procedures#Stub-34581) – GLA contracts and Funding Code

31. <http://content.tfl.gov.uk/tfl-ethical-sourcing-policy.pdf>

## Transport for London Commercial (on behalf of the Greater London Authority)

Ethical Sourcing Policy - excerpt

### 5.0 Guiding Principles

TfL's Ethical Sourcing Policy will be guided by five principles:

#### 5.1 Identify suitable applications of ethical sourcing considerations

Identify product categories and specific products and/or services where ethical sourcing considerations are relevant. Identify suitable contracts as they come up for letting or renewal.

#### 5.2 Improve labour conditions in the supply chain

Promote and improve the implementation of codes of practice which cover working conditions within the supply chain.

#### 5.3 Monitor working conditions

Ensure that, where contracts are to contain ethical sourcing provisions, TfL Suppliers register with Sedex (or an equivalent) and, at TfL's request, conduct audits of their factories and sites, using a reputable auditor, and that the results are made available to TfL.

#### 5.4 Engage with Suppliers

Initiate any remedial action required in a collaborative and non-punitive manner.

#### 5.5 Deliver Benefits within Law and Best Value

Undertake all Procurement Activity in accordance with all applicable law including European Union (EU) law, and TfL's obligations as a Best Value Authority.

Even though some employers have written commitments to procure ethically, it is important that the employer states how they will implement and monitor their codes. If there is no detail on how the policy is implemented, the policy becomes nothing more than a paper exercise, therefore it is important to see the steps the employer will take to identify and remedy abuses in the supply chain.

If you do not work in local government but are keen for your local council to take up the issue of ethical procurement, you could ask your local councillor to ask a question at a council meeting (or direct you to the councillor who deals with procurement). You could suggest to your local councillor to adopt a model motion (see Appendix 5) on ethical procurement, and show your councillor some of the policies that already exist around the country.

## NHS

NHS Logistics, operated by DHL Supply Chain, offers a procurement service across the NHS. NHS Logistics has produced a code of

conduct for suppliers<sup>32</sup> which calls for suppliers to respect international treaties on human rights, including ensuring child and forced labour are not present in the supply chain. The code does not refer specifically to other fundamental rights such as the right to join a union even though freedom of association is recognised as a fundamental human right. Members working in the NHS might ask if their own employer uses NHS Logistics, and if so, calling for improvements to the code, and how the code as it exists is monitored. Are there reports from suppliers on 'due diligence' i.e. what steps have suppliers taken to ensure there is no exploitation further down the supply chain?

You could refer your employer to the government's National Action Plan<sup>33</sup>, and how there is a duty on public bodies to ensure suppliers adhere to the UNGP and the plan as set out by the government.

### Higher education

Purchasing consortia in higher education, such as APUC in Scotland<sup>34</sup> and LUPC<sup>35</sup> in London manage collaborative supply agreements on behalf of higher education institutions (HEI). The consortia are very engaged on ethical procurement and have issued codes of conduct for suppliers and how they should be implemented. Both APUC and LUPC are founding members of Electronics Watch, an NGO that monitors global electronics supply chains on behalf of a group of European public authorities working together.

Students in a number of HEIs have played an active part in getting their institution to affiliate to Electronics Watch. There is a full list of HEIs that have affiliated on the Electronics Watch website<sup>36</sup>. Ethical procurement campaigns could help UNISON branches on campus to work with student groups on extending the issues of responsible buying to other areas such as food and garments.

Ask if your institution has produced a statement on slavery as required by the Modern Slavery Act. If it is part of a purchasing/procurement consortium, ask if it has a code that it requires the consortium to abide by.

### Private companies

UNISON organises in private companies that deliver public services. Some of these companies will have been commissioned to carry out public service functions. Some of the companies may be Multi-National Enterprises (MNEs) with ethical codes of conduct for suppliers. Some may be members of the Ethical Trading Initiative (ETI).<sup>37</sup>

If you work for a private company, ask your employer if the company has an ethical procurement policy. If not, use some of the codes produced by other organisations to start a conversation with your employer on ethical procurement and the 'added value' of incorporating an ethical approach to procurement.

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31. [www.supplychain.nhs.uk/about-us/code-of-conduct](http://www.supplychain.nhs.uk/about-us/code-of-conduct)

33. [www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/522805/Good\\_Business\\_Implementing\\_the\\_UN\\_Guiding\\_Principles\\_on\\_Business\\_and\\_Human\\_Rights\\_updated\\_May\\_2016.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/522805/Good_Business_Implementing_the_UN_Guiding_Principles_on_Business_and_Human_Rights_updated_May_2016.pdf)

34. [www.apuc-scot.ac.uk/?p=devsus](http://www.apuc-scot.ac.uk/?p=devsus)

35. [www.lupc.ac.uk](http://www.lupc.ac.uk)

36. [http://electronicswatch.org/en/founding-members\\_2221327](http://electronicswatch.org/en/founding-members_2221327)

37. [www.ethicaltrade.org/about-eti/our-members](http://www.ethicaltrade.org/about-eti/our-members)

If the company has a turnover of at least £36 million per year, ask if the company has published its modern slavery statement as it is now a legal requirement. Ask for a copy of the statement and use it as a starting point in calling for the employer to take the next step in eradicating abuses in the supply chain by adopting the ETI Base Code.

You may wish to use an adapted version of the model letter at Appendix 1 as a way of approaching your employer on the issue. Include a paragraph on the Modern Slavery Act if your company has a turnover of £36m or more per annum.

### Government departments

If you work for a government agency or department, refer your employer to the government's National Action Plan and DEFRA and DFID's codes of conduct for suppliers. You could also use ETI's Base Code as an example of good practice for government departments' procurement practices.

As previously stated, Cymru/Wales has produced a code of conduct<sup>38</sup> for suppliers to tackle abuses in the supply chains of public bodies that procure from suppliers.

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## Electronics Watch and the Worker Rights Consortium (WRC)

Electronics Watch does what it says on the tin! It is “an independent monitoring organisation that assists public sector buyers to meet their responsibility to protect the labour rights of workers in their global electronics supply chains more effectively and less expensively than any single public sector buyer could accomplish on its own.”

By affiliating to Electronics Watch organisations are offered “the capacity to investigate and reduce risks of labour, safety, and related human rights violations in electronics contractors' supply chains.”<sup>39</sup>

Members of Electronics Watch include higher education purchasing consortia, APUC and LUPC and individual universities across Europe and North America, including several in the UK. Electronics Watch have expanded beyond HEIs and now have in membership the London Borough of Tower Hamlets which has joined Munich, Llobregat and Barcelona as local authorities that take their responsibilities to workers in the electronics industry producing ICT destined for public services. TfL is a founding member also.

Some employers may consider 'elements' of ethical procurement, and as 1 in 5 computers in Europe are sourced by public services, you may wish to focus on electronics initially.

UNISON will work with groups, including, Good Electronics<sup>40</sup>, on supporting workers' involvement in monitoring at factories providing electronics to be used in public services.

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38 <http://gov.wales/docs/dpsp/publications/valuwales/170309-ethical-en.pdf>

39 [http://electronicswatch.org/en/why-affiliate-\\_95134](http://electronicswatch.org/en/why-affiliate-_95134)

40 <http://goodelectronics.org>

## Worker Rights Consortium

The Worker Rights Consortium (WRC)<sup>41</sup> is an “independent labour rights monitoring organisation, conducting investigations of working conditions in factories around the globe. [Its] purpose is to combat sweatshops and protect the rights of workers who make apparel and other products.”

WRC is based in the US but increasingly HEIs<sup>42</sup> in the UK are affiliating, especially to check that university-branded clothing has not been made at the expense of workers in the supply chain.

Garments can include items such as school/police/nurses’ uniforms, safety wear and protective clothing, hospital gowns and linen to name a few.

Ask your employer where garments are sourced from and if the supplier has conducted due diligence. If there are codes and transparency regarding the manufacturer, ask if independent audits have been carried out to ensure monitoring is not just a ‘tick-box’ exercise.

Members in HEI may be able to link up with students’ unions on campaign strategies to ensure the college affiliates to WRC or produces a code setting out how it will ensure there are no abuses in the college’s supply chains.

If your employer develops guidance for suppliers protecting workers in their supply chain, you may wish to ask them to affiliate to WRC so that independent monitoring of factories providing garments (including uniforms) can take place.

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<sup>41</sup> <http://workersrights.org>

<sup>42</sup> <http://workersrights.org/about/as.asp>



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## Appendix 1: Model letter to Chief Executive Officer (CEO) or equivalent

To the CEO (or equivalent)

UNISON is aware that as a procurer of goods for use in delivering public services, this organisation/local authority can use its purchasing power to help to eradicate abuses of workers in the organisation's global supply chain. This branch would like to work with you to help develop an ethical procurement policy that places a responsibility on all of our suppliers to take steps to ensure abuses do not occur in their own companies and supply chains, and, if abuses are identified, to take action to remedy these.

Ethical public procurement is becoming an important tool in tackling the worst abuses of workers in supply chains. Abuses can be as extreme as the use of child and forced labour (which are tantamount to modern-day slavery), wage theft or extremely low pay and the use of violence and intimidation of workers including those who join independent trade unions.

The Ethical Trading Initiative (ETI), an alliance of companies, trade unions and NGOs that promotes respect for workers' rights around the globe, has developed a Base Code for businesses to adopt in their supply chains. The Code is based on the ILO core labour conventions and the UN Guiding Principles on Business and Human Rights (UNGP). Suppliers must apply the following key principles in their businesses:

1. Employment is freely chosen
2. Freedom of association and the right to collective bargaining are respected
3. Working conditions are safe and hygienic
4. Child labour shall not be used
5. Living wages are paid
6. Working hours are not excessive
7. No discrimination is practised
8. Regular employment is provided
9. No harsh or inhumane treatment is allowed

A number of public organisations have adopted the ETI Base Code and/or have developed ethical supplier codes based on the UNGP. The Greater London Authority (whose procurement function is fulfilled by Transport for London), Manchester City Council and a number of university purchasing consortia (including LUPC and APUC) have all developed ethical codes which could be used as templates in developing our own code of conduct for suppliers. Government departments, DEFRA and DFID have also produced codes. Separately, the Welsh Assembly has produced a code of practice 'Ethical Employment in Supply Chains'. The code places a responsibility on public organisations (and not just private companies) to take "action to eradicate unlawful and unethical employment practices and to ensure all workers at every stage of the supply chain are treated fairly."

UNISON believes we have an opportunity to ensure that public money is not being used to fund possible abuses in the supply chain. The Prime Minister, when Home Secretary, said in supporting the National

Action Plan for implementing the UNGP: 'it is certainly not acceptable for organisations to put profit above the welfare and wellbeing of its employees and those working on its behalf'.

With this in mind, the branch would welcome a meeting to discuss the organisation's approach to ethical procurement. If a policy or code already exists, we would welcome a discussion on how it is implemented so that due diligence takes place. If there is no code or one embracing fairtrade, we would be happy to work with you on developing a wider code based on existing good practice.

A number of organisations have affiliated to Electronics Watch (ICT sector) and Worker Rights Consortium (garment sector). Both organisations allow for collaborative work across European and North American public services to map, monitor and reform their supply chains. By affiliating to one or both of these bodies our organisation will be able to ensure that independent monitoring of the supply chain is in place.

Many UK organisations and local authorities are members of the Fairtrade Foundation and the Living Wage Foundation. We believe this is a great basis for expanding the ethical approach to procurement to all stages of the supply chain to ensure workers are not abused at work and their fundamental rights are not only respected but actively protected.

We would welcome a discussion on the above points at your convenience.

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## Appendix 2: Links to organisations working to improve rights for workers in the global economy

Anti-Slavery International  
**[antislavery.org](http://antislavery.org)**

Banana Link  
**[bananalink.org.uk](http://bananalink.org.uk)**

Clean Clothes Campaign  
**[cleanclothes.org](http://cleanclothes.org)**

Electronics Watch  
**[electronicswatch.org](http://electronicswatch.org)**

Ethical Trading Initiative  
**[www.ethicaltrade.org](http://www.ethicaltrade.org)**

Global Justice Now  
**[globaljustice.org.uk](http://globaljustice.org.uk)**

Good Electronics  
**[goodelectronics.org](http://goodelectronics.org)**

Labour behind the Label  
**[labourbehindthelabel.org](http://labourbehindthelabel.org)**

War on Want (WoW)  
**[waronwant.org](http://waronwant.org)**

Worker Rights Consortium (WRC)  
**[workersrights.org](http://workersrights.org)**

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## Appendix 3: List of internationally recognised days and suggested activities

### **28 April - Workers' Memorial Day**

Under the slogan 'Remember the dead; fight for the living', 28 April offers an opportunity to campaign for better rights at work both here in the UK and for workers around the globe, including those in the global supply chains, making goods destined for the UK. Remembering all the avoidable atrocities in factories where goods are sourced for UK markets makes the link between workers being forced to work in unsafe buildings and the buyer's responsibility to have transparency in their supply chains.

### **7 October - World Day for Decent Work**

This day was designated by the International Trade Union Confederation (ITUC). There is now a call for decent work in global supply chains. Mark this day by urging your employer to make a statement on ethical procurement in supply chains recognising the right of all workers to have access to decent work.

### **18 October - World Anti-Slavery Day**

Anti-Slavery International and other campaigning organisations, including Amnesty International, run campaigns to mark World Anti-Slavery Day. 18 October offers an opportunity to raise awareness about the increase in slavery here in the UK and worldwide. An ethical approach to procurement of goods won't eradicate slavery and forced labour but will create the link between work and slavery. Get your branch to affiliate to Amnesty or Anti-Slavery International.

### **5-11 November 2017 - Living Wage Week**

Living Wage Week primarily focuses on achieving the living wage for workers in the UK but it provides an opportunity for branch activists to raise awareness of the difficulties faced by workers in the global supply chain when they campaign for a living wage. There are several organisations including the Clean Clothes Campaign/Labour Behind the Label, Global Justice Now and War on Want who will have campaigns during this week that your branch could promote. Consider affiliating to one of the organisations campaigning for workers' rights in the global supply chains.

If your employer is a Living Wage employer, you could build on this to encourage them to include a Living Wage clause for tenders so that the Living Wage is implemented through the whole supply chain.

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## Appendix 4: Checklist for branches

1. Get the branch behind the idea of pursuing an ethical procurement policy – get a motion to the branch
2. Ask your employer if there is an ethical code included in the employers' procurement policy
3. Ask if the employer has produced a modern slavery statement
4. Write to the employer – Appendix 1 model letter
5. Ask if the person responsible for purchasing/procurement of goods is a UNISON member
6. Use good practice of existing policy statements and codes to show to your employer in any negotiations
7. Ask your local councillor to take a motion to a council meeting or to ask if the council has a code of conduct – Appendix 5 – model motion
8. Raise awareness of ethical procurement on an internationally-recognised day such as World Day for Decent Work
9. Keep UNISON's international unit informed of any developments, whether good or bad at **[I.Relations@unison.co.uk](mailto:I.Relations@unison.co.uk)**

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## Appendix 5: Model motion to council to develop an ethical procurement policy

### Council Notes:

1. Global commodity supply chains have been found to have extensive labour rights violations, with particular industries at high risk of worker rights abuses and modern slavery.
2. The following areas have been identified as being at a high risk of labour rights violations and modern slavery:
  - ICT
  - Textiles/garment industry
  - Food production
3. In the global ICT industry, reports have highlighted numerous labour rights violations at factories supplying major electronics companies. Such violations have included: exposure to toxic chemicals without adequate protection; discrepancy of pay between core and agency workers; exploitation of migrant workers; mandatory 'anti-suicide' pledges for staff; restrictions or banning of trades unions.
4. Similar abuses have been found in the textile industry. There have also been several high profile factory collapses and fires in the industry; notably in the Bangladesh Rana Plaza building, where over 1,130 workers lost their lives and at a garment factory in Karachi, Pakistan where 300 workers lost their lives.

5. Forced labour is endemic in the food industry, particularly in the poultry, beef, sugar and fishing industries.
6. A growing number of public sector organisations across Europe and elsewhere are coming together to instigate change within their supply chains, using their leverage as major public purchasers to improve standards and working conditions. Public purchasing/procurement consortia are developing codes to ensure rights abuses do not occur in public supply chains.
7. Legislative and regulatory frameworks have established that organisations must take steps to reform their supply chain and protect against abuses such as modern slavery, including but not limited to: the Modern Slavery Act 2015; the International Labour Organisation (ILO) core labour standards; the United Nations General Principles on Business and Human Rights (UNGP); the United Nations Sustainable Development Goals (SDGs).

**Council Believes:**

1. Public bodies have a responsibility to ensure their operations have a positive, rather than negative impact on citizens across the globe.
2. The risks of modern slavery and labour rights violations in global commodity supply chains are high. As a major purchaser of goods supplied by sectors at high risk, this council recognises the potential labour rights abuses that may be taking place in its own supply chains.
3. Public purchasers have human rights obligations to ensure businesses protect human rights. Procurement is a clear area where the public sector has substantial leverage to improve working conditions across the globe. The purchasing power of the public sector is vast – for example, 1 in 5 computers in Europe are bought by the public sector – meaning the influence public sector organisations can have on supply chains through supplier engagement is similarly vast.
4. Tackling the issues in current global commodity supply chains on a systemic scale will require the collaboration of multiple public sector institutions in the global north working directly with civil society organisations and trade unions in the global south.
5. In order to achieve substantive supply chain reforms, the public sector must commit to supply chain transparency, independent monitoring of supply chains and negotiating corrective action plans to address worker rights violations through supplier engagement.
6. Two organisations currently exist that allow for collaborative work across the European and North American public sector to map, monitor and reform their supply chains – Electronics Watch in the ICT sector and the Worker Rights Consortium in the textile sector.

**Council Resolves:**

1. To establish an ethical code of conduct for procurement, laying out the minimum labour and environmental standards expected of the council's suppliers and committing the council to transparency of our supply chains.

2. To embed the code of conduct into new contracts signed with suppliers and negotiate the code of conduct into contract variations with existing suppliers.
3. To take steps to monitor the efficacy of adopted codes.
4. To commit to supply chain reform in the ICT sector by affiliating to Electronics Watch.
5. To commit to supply chain reform in the textiles/garment sector by affiliating to the Worker Rights Consortium.





# Responsible buying in public services



**This guide is designed to help UNISON members and branches engage with employers on ethical procurement. It will help to ensure workers' rights are respected, and child, forced and slave labour are eradicated in the global supply chains that provide goods for use in public services in the UK.**

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[www.unison.org.uk/international](http://www.unison.org.uk/international)  
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